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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,446	12/05/2001	Roy F. Brabson	RSW920010221US1	3354
25259	7590	03/23/2006	EXAMINER	
IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 REASEARCH TRIANGLE PARK, NC 27709			DERWICH, KRISTIN M	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,446

Applicant(s)

BRABSON ET AL.

Examiner

Kristin Derwich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/17/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-18 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

3. The amendments made to claims 1, 17 and 18 change the scope of the claims. Therefore, the nonstatutory double patenting rejection has been withdrawn.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-5, 7, 8, 10, 11, 14, 17 and 18 rejected under 35 U.S.C. 102(b) as being anticipated by Marino, Jr. et al. (Marino), U.S. Patent No. 5,029,206.

As per claims 1, 17 and 18:

Marino discloses a method of improving security processing in a computer network comprising the steps of:

providing security processing in an operating system kernel (3:12-25, wherein encryption is the security processing at the kernel);

providing an application program which makes use of the operating system kernel during execution (4:1-9);

providing security policy information (7:36-66 wherein the provided parameters are the security policy information);

executing the application program (5:41-51 wherein the applications are executed when requests are made); and

selectably encrypting at least one communication of the executing application program using the provided security processing in the operating system kernel, under conditions specified by the security policy information (7:36-66).

As per claims 17 and 18, these are system and computer program versions respectively of the claimed apparatus discussed above in claim 1 wherein all claimed limitations have also been addressed and/or cited as set forth above.

Claim Rejections - 35 USC § 103

5. Claims 2-8, 10, 11 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Marino as applied to claims 1 above, and further in view of Wiegel, (U.S 6,131,163).

As per claim 2:

Wiegel substantially teaches a method wherein the security policy information is stored in a security repository (9:23-27).

As per claim 3:

Wiegel substantially teaches a method wherein the security policy information is usable for more than one executing application program (9:30-35).

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As per claim 4:

Wiegel substantially teaches a method wherein the conditions include network addresses (9:41-55).

As per claim 5:

Wiegel substantially teaches a method wherein the network addresses specify one or more of server addresses and destination addresses (9:41-55).

As per claim 6:

Wiegel substantially teaches a security policy tree that includes the condition of a source or destination address. It would have been an obvious modification to include a range of destination addresses (9:41-55).

As per claim 7:

Wiegel substantially teaches a method wherein the conditions include one or more port numbers and/or one or more port number ranges (9:26-30).

As per claim 8:

Wiegel substantially teaches a method wherein the conditions include one or more job names (9:41-55, wherein network service acts as job names).

As per claim 10:

Wiegel substantially teaches a method further comprising the step of checking the security policy information when the executing application program establishes a connection, and wherein the selectably securing step communicates on that connection according to a result of the checking step (10:15-49).

As per claim 11:

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Wiegel substantially teaches a method whereby communications from the executing application program may be secured even though the provided application program has no code for security processing (10:15-49).

As per claim 14:

Wiegel substantially teaches a method wherein the provided security processing operates in a Transmission Control Protocol layer of the operating system kernel (3:38-46).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Marino to utilize the invention of Wiegel because Wiegel offers increased assurance that communications coming into and out of individual computers over a network are authentic (1:47-67) which would improve upon Marino's invention of increasing the security of communications amongst computers at the kernel level within a network (1:6-39).

6. Claims 9 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Marino as applied to claim 1 above and further in view of Winiger, U.S. Patent No. 5,845,068.

As per claim 9:

Marino fails to teach identifiers used as conditions for the security policy. However, Winiger discloses utilizing source and destination machine identification numbers which would correspond to client identifiers since a destination or source machine would be a client (8:6-39).

As per claim 13:

Marino fails to teach a security policy governing communications on sockets of a port. However, the use of communications over sockets and ports was well known in the art at the time of applicant's invention as illustrated by Winiger. Winiger discloses the use of multiple

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sockets having the same port number (9:66-10:2) and utilizing the security level of the user to determine whether communication can occur on that socket having that port number which is similar to the security level negotiations taught by Marino (7:67-8:12).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to improve upon the invention of Marino with the use of sockets and ports between network devices as shown in Winiger because Marino was already using network and transport layer security and it would have been obvious to use the improvements such as Winigers in order to continue to make the invention of Marino more secure (7:51-54).

7. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Marino as applied to claim 1 above further in view of Mod_SSL.

As per claim 12:

Wiegel fails to disclose a method wherein the provided application program includes invocation of one or more security directives, and further comprising the step of executing, during execution of the provided application program, one or more of the invoked security directives. However, the Mod_SSL manual discloses a variety of security directives (lines 8-16, pg. 1 of chap. 3).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize security directives in order to have a better understanding of how a mod_ssl functionality is activated (lines 3-4, pg. 1 of chap. 3).

8. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Marino as applied to claim 1 above further in view of Berg, PG Pub 2002/0116605.

As per claim 15:

Marino fails to teach a method wherein the provided security processing implements Secure Sockets Layer. However, SSL was well known in the art at the time of applicant's invention as exemplified by Berg.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize SSL because this is an obvious improvement to secure network communications that were utilized in Marino (7:51-57).

9. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Wiegel as applied to claim 1 above further in view of Dierk et al. (Dierk), RFC 2246.

As per claim 16:

TLS was well known in the art at the time the invention was made as exemplified by Dierks. It would have been an obvious modification, if using the invention for SSL, to upgrade and utilize TLS (pg. 5, item 3: Goals of this document).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

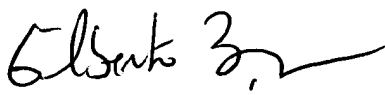
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KMD

Kristin Derwich
Examiner
Art Unit 2132


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